Supreme Court, U.S.
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No. 96-640

In The

Supreme Court of the United States

October Term, 1996

FRED DAVIS,

Petitioner,

v.

HANOVER INSURANCE COMPANY, et al.,

Respondent.

Petition For Writ Of Certiorari
To The Massachusetts Supreme Court

PETITIONER'S REPLY BRIEF

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11pp

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Respondents argument lacks any weight since they are misrepresenting the facts and their appendix contains a fraudulent document (respondents' 21a) which they state was signed by Stuart Ravech this is not true. The original document that was submitted to the Dedham Superior Court does not bear the signature of Stuart Ravech, moreover, this document did not surface into being until the petitioner signed the release.

Respondents' document 23a, letter addressed to attorney Abrams has not appeared in any prior pleadings, it is my understanding that this letter was not mailed to Mr. Abrams as there was an agreement between Mr. Abrams and the petitioner that all copies of correspondence, etc., pertaining to this action would be forwarded to the petitioner. The petitioner did not receive a copy of this document.

The respondents are continuing to act in bad faith with the actual intent to deceive and fraud the court in the same manner as they have done in the lower courts. "An act done with actual intent to mislead or deceive another is an act in bad faith" Groh v. Viglet 34 Ohio Law R 132. "Bad faith and fraud are synonymous" Hilgenberg v. Northrup 33 N.E. 786, 787, 134 92.

I. THE COURT SHOULD GRANT THE PETITION TO RESOLVE THE QUESTION OF BREACH OF CONTRACT

The respondents concede that they formulated and accepted the contract that was signed by the petitioner on September 20, 1991, and since that date up to the present time they have this document in their possession and they have not paid the petitioner.

The respondents concede that United States v. Windstar 64 United States Law Weekly page 4739 is an issue in this action.

II. PETITION SHOULD BE GRANTED BECAUSE THE RESPONDENTS VIOLATED THE MASSACHUSETTS CRIMES AGAINST THE ELDERLY AND DISABLED

Respondents argue that crimes against the elderly and disabled did not become law until December 18, 1995, however, to substantiate their argument they submit to the court documents 82a and 83a. However, this is not the original law, but merely the amended law in 1995.

The respondents are misrepresenting the facts to this court, as the Massachusetts Law of Crimes Against The Elderly and Disabled was argued by the petitioner orally in the lower courts.

III. PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED BECAUSE THE PETITIONER WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHTS

The respondents argue the petitioner's Constitutional Rights were not deprived because this issue does not appear in documents they submitted in their appendix.

Respondents are misrepresenting the facts to this court.

Petitioner argued orally in the lower courts that his Constitutional Rights to due process of law and equal protection of the law was being deprived when the lower courts failed to take any action against the respondents for committing a crime against an elderly and disabled person.

IV. PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED AS THE RESPONDENTS OPPOSITION IS DONE IN BAD FAITH

Massachusetts General Laws Chapter 221 § 50 states in pertinent part: "...upon request of the client or of the attorney, the court in which the proceeding is pending or, if not pending in a court, the superior court, may determine and enforce the lien..." The respondents concede to the fact that there is no lien in the courts and no request of lien was made to the court.

Respondents state "On April 26, 1991, the respondents's attorney was served a lien".

Why wasn't a lien sent to the petitioner? Why wasn't a lien sent to the petitioner's attorney which he engaged on May 9, 1991, and is attached Appendix A? Why did a lien come in to focus after the petitioner signed the release and it was in the respondents' possession?

There is no lien the respondents made up a lien in order to use it as a pretext to steal monies from the petitioner who is elderly and disabled.

The respondents have committed a severe crime against an elderly and disabled person by means of fraud, unfair and deceptive business practices, entrapment and Massachusetts Crimes Against the Elderly and Disabled.

For purposes for arguing: "However, acknowledging receipt of a notice of lien is not tantamount to accepting the validity of the lien" Liberty Mutual Insurance Company v. Marcel J. Murad 1992 Mass. App. Div 163 attorney was not paid for lien mailed to Liberty Mutual Insurance Company.

V. THE PUBLIC INTEREST IS INVOLVED

There are questions to be resolved by this Honorable Court.

Are all contracts/releases signed by the public with special emphasis on the elderly and disabled not be paid for their injuries, etc.,? Are all contracts/releases going to be meaningless and can not be enforceable in the Court?

The answers to these questions are vital to the public interest.

CONCLUSION

For the foregoing reasons and the facts set forth in petitioner's Petition For Writ of Certiorari the petitioner Fred Davis respectfully prays that this Honorable Court grant his Petition for Writ of Certiorari.

Respectfully Submitted,

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